IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 5220 of 2007(U)

PETITIONER:

GOPALAKRISHNAN NAIR,
S/O.THOTTAYATHU ICHYAMMA, THOTTAYATHU HOUSE,
ICHUPADOM, MATTATHUR VILLAGE, MUKUNDAPURAM,
(WORKING AS ODUKKUKOTTUKARAN IN ARESWARAM,
SASTHA TEMPLE, MATTATHUKUNNU, KODAKARA,
THRISSUR DISTRICT).

BY ADV. SRI.P.VIJAYA BHANU
SMT.K.S.CHANDRIKA

RESPONDENTS:
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1. THE COCHIN DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY, COCHIN
DEVASWOM BOARD, THRISSUR.

2. THE SECRETARY,
COCHIN DEVASWOM BOARD, THRISSUR.

3. THE COMMISSIONER,
COCHIN DEVASWOM BOARD, THRISSUR.

BY ADV. SRI.K.GOPALAKRISHNA KURUP,SC,COCHIN D.B

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 5220 OF 2007
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Dated this the 8th day of August, 2007

J U D G M E N T

The prayer in this writ petition is to direct respondents to give the petitioner revised wages pursuant to Exhibits P1 and P2. Petitioner is also claiming interest on the arrears claimed by him. In the statement filed by the Board, it is clarified that the petitioner is not a regular employee of the temple and that on a representation made by him, he was temporarily engaged as a Day Watchman in a temple on a consolidated remuneration of Rs.800/- per month. It is also stated that considering the representation filed by the petitioner, the monthly allowance to the petitioner for Sasthampattu was enhanced to Rs.1500/- and Ext.R1 is the order enhancing the allowance. The Board would further contend that the pay revision orders relied on by the petitioner is applicable only to the regular employees of the

Board and that since the petitioner is not a regular employee, pay revision order does not come to petitioner's advantage. Petitioner has also filed a reply affidavit, wherein it is stated that the claim of the petitioner is now only for enhancement of wages for performing duties as a Day Watchman. It is stated that for discharging duties of a watchman , he is getting only Rs.800/- per month, whereas in all other cases daily wages of Rs.150/- is paid.

2. In so far as the petitioner's claim for revision of his wages for discharging duty of a Day Watchman is concerned, I notice that the petitioner is not a regular employee of the temple and has been engaged on a temporary basis on consolidated basis. If that be so, petitioner cannot equate himself with other regular employees or those covered by pay revision orders and claim benefits on a par with them. As rightly pointed out by the counsel for the Board, pay revision orders are applicable

only to the regular employees of the Board and reliance on that will not improve the case of the petitioner in any manner. Therefore, on merits, this court will not be justified in directing the Board to revise the wages of the petitioner in any manner.

3. However, the fact remains that what is being paid to the petitioner is too inadequate to make his both ends meet. In such circumstances, it is only appropriate that Board considers his case with the sympathy that it deserves, and pass appropriate orders for revising his consolidated wages for the duty he discharges as a Day Watchman.

With the above observation, writ petition is disposed of.

ANTONY DOMINIC, JUDGE.

Rp